H.R. 5381

101st CONGRESS
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TITLE I—FEDERAL COURTS STUDY COMMITTEE IMPLEMENTATION

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SEC. 120. SUPPLEMENTAL JURISDICTION.

(a) GRANT OF JURISDICTION.—Chapter 85 of title 28, United States Code, is amended by adding at the end the following:

"§ 1367. Supplemental jurisdiction

"(a) IN GENERAL.—(1) In any civil action of which the district courts have original jurisdiction, including an action removed from a State court, any party or person may assert a non-Federal claim against any person or other party if—

"(A) the Federal claim in the original complaint is not insubstantial; and

"(B) the original Federal claim and the non-Federal claim arise out of the same transaction or occurrence or series of transactions or occurrences.

"(2) If the original Federal claim in a civil action is founded solely on diversity of citizenship under section 1332, the original plaintiff may assert a non-Federal claim under paragraph (1) only against the original defendant or against a party or person who has been brought into the action by a party or person other than the plaintiff, unless the action was removed from a State court.

"(b) SITUATIONS WHERE JURISDICTION MAY BE EXERCISED.—Except as provided in subsection (a)(2), the district court may exercise supplemental jurisdiction under subsection (a) even if—

"(1) the non-Federal claim is asserted against a person who is not already a party to the civil action;

"(2) the non-Federal claim is the only claim asserted against a party or a person to be brought into the civil action; or

"(3) the party or person asserting the non-Federal claim is an intervenor or an applicant for intervention.

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"(g) DEFINITIONS.—As used in this section—

"(1) the term 'Federal claim' means any claim that has an independent, statutory basis for original jurisdiction in the district courts;

"(2) the term 'non-Federal claim' means any claim that does not have an independent, statutory basis for original jurisdiction in the district courts; and

"(3) the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

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